

Atty. Docket No.: 74120-301394  
Serial No. 09/855,156

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### REMARKS

The Applicant respectfully requests reconsideration of this application as amended. Claims 14 and 15 have been added. Claim 1 has been amended. No claims have been cancelled. Therefore, claims 1-15 are present for examination.

### CLAIM OBJECTIONS

In the Office action, the Examiner objected to claim 11 because of informalities. The Examiner asserted that claim language "devices include a VOIP gateway" is not true, particularly with reference to FIG. 1. Applicant respectfully asserts that the claim language of claim 11 is true and proper, and refers the Examiner to FIGS. 5 and 6 and the accompanying description. "The VOIP communications device 76 can be any VOIP communications device that performs speech encoding/decoding in a particular VOIP network environment, for example, a gateway..." (specification, page 19, lines 18-21). "[W]ith reference to FIGS. 2 and 6, the test probes 14 are eliminated by embedding voice files (VF) 92 in the VOIP communications devices to which the test probes 14 were coupled, that is, the gateways 16..." (specification, page 20, lines 16-20). FIGS. 5 and 6 and the accompanying description fully support the phrase "devices include a VOIP gateway." Therefore, for at least this reason, Applicant respectfully requests the Examiner to withdraw the claim objections.

### 35 U.S.C. § 112 REJECTIONS

In the Office action, the Examiner rejected claim 2 under 35 U.S.C. § 112, second paragraph, as being indefinite for purportedly failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner objected to the following words of claim 2: "the communications device is a VOIP gateway."

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Applicant respectfully disagrees with the Examiner's assertion that Applicant's specification contradicts claim 2. The Examiner specifically points to page 7, lines 1-15 of the specification; Applicant respectfully asserts that this portion of the specification treats but one of various alternative embodiments of the present invention. Applicant refers the Examiner to FIG. 6, illustrating voice files 92 embedded in gateways 16. Applicant also refers the Examiner to the following excerpts from the specification: "The VOIP communications device 76 can be any VOIP communications device that performs speech encoding/decoding in a particular VOIP network environment, for example, a gateway..." (specification, page 19, lines 18-21). "[W]ith reference to FIGS. 2 and 6, the test probes 14 are eliminated by embedding voice files (VF) 92 in the VOIP communications devices to which the test probes 14 were coupled, that is, the gateways 16..." (specification, page 20, lines 16-20). Page 20 of the specification also discloses a gateway answering a test call by playing a voice file, as recited by claim 2, at lines 22-29. For at least these reasons, claim 2 particularly points out and distinctly claims the subject matter which Applicant regards as the invention. For at least these reasons, Applicant respectfully requests the Examiner to withdraw the claim rejection under 35 U.S.C. § 112, second paragraph.

### 35 U.S.C. § 102 REJECTIONS

In the Office action, the Examiner rejected claims 1, 6-10, and 13 under 35 U.S.C. § 102(b) as being anticipated by Maurer et al. (U.S. Patent 6,700,953) ("Maurer").

Claim 1, as amended, provides, *inter alia*, "enabling a communications device connected to the VOIP network to answer a test call received over the VOIP network by playing a voice file." Claim 10 provides, *inter alia*, "enabling communications devices connected to the VOIP network to answer test calls received over the VOIP network by playing embedded voice files." Claim 13 provides, *inter alia*, "enable a communications device connected to the VOIP network to answer a test call received over the VOIP network by playing a voice file." Applicant respectfully asserts that Maurer et al. does not disclose at least these limitations of claims 1, 10, or 13.

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The Examiner points to column 6, lines 32-39 and 55-59, and column 4, lines 29-37 of Maurer as disclosing the above limitations of independent claims 1, 10, and 13. As the Examiner points out, Maurer discloses "The interface device automatically answers incoming calls. Each interface device is designed for the appropriate communication medium it interfaces with (i.e.: some applications of VoIP, radio-to-radio telecommunications, etc.)" (col. 4, lines 34-37). Maurer also discloses "At 400, a user, using a computer located at the landline side, accesses the system. At 405, a seven (7) second clock is triggered and downlink audio begins to play (landline to mobile)." (col. 6, lines 32-35).

Thus, although Maurer appears to separately disclose a) automatically answering incoming calls and b) playing downlink audio, Maurer does not disclose answering a test call by playing a voice file. Instead, Maurer seems to disclose the converse, at most: "access[ing] the system" (line 33) by *sending* audio, and responding by *receiving* the audio. Maurer discloses accessing the system from the landline side (col. 6, lines 32-33), and based on that accessing the system, "audio begins to play (landline to mobile)" (col. 6, lines 34-35). In other words, sending audio to commence a transmission, whereby the transmission is answered by the *receipt* of the audio differs from commencing a transmission, whereby the transmission is answered by the *playing* of audio. Maurer at most discloses only the former.

The Examiner also points to Maurer lines 55-59, where the initial process of playing audio from an initiating device to a receiving device is reversed, and the "uplink audio is played to each communication device connected to the system...uplink audio is received by the landline unit and digitized." (col. 6, lines 55-57). Although Maurer here seems to disclose an ultimate playback of audio to an initiating device, the process of Maurer column 6 lines 55-59 does not disclose, teach, or suggest answering a test call by playing a voice file. Even if the process disclosed by Maurer column 6 could be classified as a "call," the process of Maurer column 6 lines 55-59 does not constitute the "answering" of the "call," because the "call" had already been answered by the process of Maurer column 6 lines 32-35. Maurer teaches the playing of uplink audio to the landline unit only *after* the call has been answered, as evidenced by the following

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passage from Maurer col. 7, lines 9-15: "In a general sense, the mobile unit and landline unit work together like two people having a conversation. First, the landline unit transmits a short voice sentence that the mobile unit measures... Next, the mobile unit transmits a short voice sentence and the landline unit measures the quality. This conversation continues as long as the call is up." Thus, the playing of uplink audio to the landline unit is part of this "conversation" rather than the answering of a test call by the playing of a voice file.

For at least these reasons, Maurer does not disclose, teach, or suggest each and every limitation of claims 1, 10, or 13, and Applicant respectfully requests the Examiner to withdraw the claim rejections under 35 U.S.C. § 102(b). Therefore, for at least these reasons, claims 1, 10, and 13 are believed to be in condition for allowance, such being respectfully requested herein. Claims 2-9 properly depend from allowable claim 1, and claims 11-12 properly depend from allowable claim 10. Therefore, claims 1-13 are believed to be in condition for allowance, such being respectfully requested herein.

Furthermore, Applicant respectfully points out that Sand (U.S. Patent 6,512,746) does not disclose, teach, or suggest what Maurer lacks with respect to claims 1, 10, and 13, including at least the above-discussed limitations. For example, Sand does not disclose, teach, or suggest answering a test call by playing a voice file.

### 35 U.S.C. § 103 REJECTIONS

In the Office action, the Examiner rejected claims 2, 11, and 12 under 35 U.S.C. § 103(a) as being unpatentable over Maurer in view of Sand (U.S. Patent 6,512,746), and claims 3-5 as being unpatentable over Maurer in view of Applicant's purportedly admitted prior art.

Claims 1, 10, and 13 are believed to be in condition for allowance, for at least the reasons described above. Claims 2-5 properly depend from allowable claim 1, and claims 11 and 12 properly depend from allowable claim 10. For at least these reasons, claims 2-5, 11, and 12 are believed to be in condition for allowance, such being respectfully requested herein.

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### NEW CLAIMS

Applicant has added new claims 14 and 15. Claim 14 provides, *inter alia*, "an Interactive Voice Response (IVR) unit operable, responsive to receipt of test calls over the VOIP network by the VOIP gateway, to answer the test calls by playing an embedded voice file..." Claim 15 provides, *inter alia*, "answering the test call by playing a voice file with the communications device..." Applicant respectfully asserts that Maurer et al. does not disclose at least these limitations of claims 14 or 15, for at least the reasons discussed above with reference to claims 1, 10, and 13. Therefore, claims 14 and 15 are believed to be in condition for allowance, such being respectfully requested herein.

Furthermore, Applicant respectfully points out that Sand does not disclose, teach, or suggest what Maurer lacks with respect to claims 14 or 15, including at least the above-discussed limitations. For example, Sand does not disclose, teach, or suggest answering a test call by playing a voice file.

### CONCLUSION

The Applicant respectfully submits that the rejections have been overcome by the remarks, and that the remaining pending claims are in condition for allowance. Accordingly, the Applicant respectfully requests that the rejections be withdrawn and that a Notice of Allowance be issued for claims 1-15.

### INVITATION FOR A TELEPHONE INTERVIEW

The Examiner is requested to call the undersigned at (303) 607-3709 if there remains any issue with allowance of the case.

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**CHARGE OUR DEPOSIT ACCOUNT**

Enclosed is a PTO Credit Card Payment Form 2038 in the amount of **\$520.00** to cover the necessary **one-month extension fee** under 37 C.F.R. 1.17(a) and additional claims fee for a large entity. Please charge our Deposit Account No. **06-0029** for any additional charge associated with such an extension.


Respectfully submitted,

FAEGRE & BENSON LLP

CUSTOMER No.: **35657**

Date: **January 21, 2005**

By:



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